

REMARKS

This amendment is submitted with a Request for Continued Examination pursuant to 37 CFR § 1.114. After entry of the present amendments, claims 1, 2 and 4 to 7 will remain pending. Claim 1 is presently amended to incorporate the elements of claim 3, which has been canceled. Claims 8, 9 and 12 are canceled herein, without prejudice to pursuit of same in one or more continuing applications. No new matter is added.

Additionally, the specification has been amended to include a Cross-Reference to Related Applications section. The new paragraph makes explicit that the application represents entry into the U.S. national stage of PCT/GB03/00908 filed March 4, 2003, which in turn claims priority of GB 0205527.5, filed March 8, 2002. This is the same priority claim which is set forth on the Application Data Sheet and in the Oath/Declaration already of record in this case. A certified copy of the priority application has also been submitted previously, and priority of the 2002 foreign application has previously been recognized on both the Bib Data Sheet and filing receipt associated with this application. Since the claim to priority was properly made both on filing of the PCT application and upon entry into the U.S. national stage, Applicant respectfully submits that the priority claim was timely made.

Rejection Under 35 U.S.C. § 102(f)

The pending claims stand rejected under 102(f) over the Griesbacher reference of record. Applicants respectfully submit that this reference is not prior art to the instant application, which has an effective filing date of March 8, 2002. Indeed, as clearly indicated in the Griesbacher reference (last page), it was not received by the Journal in question (much less published) until after the effective date of the instant application. Moreover, Applicants enclose herewith the Declaration of the inventor, David, Michael Evans, attesting that he is the sole inventor of the claimed subject matter, notwithstanding the authorship of the Griesbacher article. Withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C § 112, first paragraph

The Office Action dated January 15, 2009 maintained the prior rejection of claims 8 to 12 as allegedly not enabled. This rejection has been rendered moot by the cancellation (without prejudice) of these claims.

Rejection Under 35 U.S.C § 103

The pending claims stand rejected as allegedly obvious over McIver et al, WO 93/08211, in view of Garret (of record) and Peak (of record). However, the Examiner indicated that the definitions for R² provided in claim 3 were nonobvious over these references. Without conceding the propriety of the rejection, in order to advance prosecution of the application to allowance, Applicant has amended claim 1 to recite only the definitions previously recited in (now-canceled) claim 3. Withdrawal of the rejection is requested respectfully.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the official action of record. Accordingly, a Notice of Allowance of pending claims 1, 2 and 4 to 7 is requested.

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